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## SECRETARIAT OF THE ORISSA LEGISLATIVE ASSEMBLY

### NOTIFICATION

The 6th April, 2005.

No.5940/L.A.— The following amendments to the Rules of Procedure and Conduct of Business in the Orissa Legislative Assembly, promulgated by the Speaker under Sub-rule (3) of Rule 177 of the aforesaid rules are hereby published for general information :

"AMENDMENTS TO THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE  
ORISSA LEGISLATIVE ASSEMBLY.

### CHAPTER-I

#### Substitution of Rule-2

#### Definition

1. The rule 2 shall be substituted by the following: -

2. (1). In these rules, unless the context otherwise requires:—

“Assembly” means the Orissa Legislative Assembly;

“Bulletin” means the bulletin of the House containing;

(a) a brief record of the proceedings of each of its sitting;

(b) information on any matter relating to or connected with the business of the House or other matter which in the opinion of the Speaker may be included therein;  
and

(c) information regarding legislative committees.

“Clear days” includes Sundays and holidays.

“Committee” means any Committee appointed or elected by the Assembly or nominated by the Speaker for any specific or general purpose and the Secretariat for which is provided by the Legislative Assembly Secretariat.

“Constitution” means the Constitution of India;

“Finance Minister” means a Minister-in-charge of Finance and includes any Minister performing the function of the Finance Minister;

“Gazette” means the Orissa Gazette;

“Government Business” means Government Business include all business other than private Members business;

“House” means the Orissa Legislative Assembly;

“Leader of the House” means the Chief Minister, if he is a Member of the House or a Minister who is a Member of the House and is nominated by the Chief Minister to function as the Leader of the House;

“Leader of the Opposition” means Leader of the Opposition as defined in section 2 (b-1) of the Orissa Legislative Assembly Members’ Salary, Allowances and Pension Act, 1954.

“Legislative Assembly Secretariat” means and includes the Orissa Legislative Assembly Secretariat at Bhubaneswar and any camp office set up outside Bhubaneswar for the time being for or under the authority of the Speaker;

“Legislature Group” means a group of not less than 4 Members belonging to a Legislature Party;

“Legislature Party” means any party, which has been recognised by the Election Commission for the purpose of contesting election to the Legislative Assembly and allotted a common symbol;

“Lobby” means the covered corridors immediately adjoining the chamber and co-terminus with it ;

“Member” means a Member of the House;

“Member-in-charge of the Bill” means the Member who has introduced the Bill and includes any Minister in case of Government Bill;

“Minister” means a Member of the Council of Ministers and includes a Minister of State, a Deputy Minister and the Parliamentary Secretary;

“Motion” means any subject matter brought before the Assembly for consideration in accordance with these rules and includes substantive, substitute and subsidiary motions;

“Precincts of the House” means and includes the chamber, lobbies, the gallery and such other places as the Speaker may from time to time specify;

“Private Member” means a Member other than a Minister; “Recognition of party or group” means the Speaker may recognise an association of Members as a party or group for the purpose of functioning in the House and his decision shall be final;

“Resolution” means a motion other than statutory motion for the purpose of discussion on a matter of public importance which may be a form of declaration of opinion or a recommendation or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message or comment, urge or request on action or call attention to a matter of situation for consideration by the Government or any such other form as the Speaker may consider appropriate and includes Private Members’ Resolution, Government Resolutions & statutory Resolutions;

“Secretary” means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary;

“Session” means the whole time between the first meeting of the Assembly upon the summons of the Governor under Article 174 (1) of the Constitution and its prorogation or dissolution under clause (2) thereof;

“Statutory Motion” means a motion which is made in pursuance of any statute or enactment for the time being in force;

“Sub-Committee” means a Committee constituted by the Committee as provided under the rules and which works under the direction of the Committee.

“Table” means the table of the House;

(2) Words and expression used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.”

(3) Words and Expressions used in the Constitution and not defined in these rules shall have the meanings assigned to them in the Constitution.

## **CHAPTER II**

### **SUMMONS TO MEMBERS, SEATING OF MEMBERS AND OATH OR AFFIRMATION**

**Substitution  
of Rule-3**

2. The Rule 3 shall be substituted as follows:-

**‘Summons to  
Members**

3. The Secretary shall issue summons to each Member specifying the time and place for a session of the Assembly.

Provided that when a session is called at short notice or emergently, summons would be issued to each Member separately but an announcement of the date and place of the session shall be published in the Gazette, in the press and in electronic media and Members may be informed by telegram or fax or any other means.”.

## **CHAPTER III**

### **ELECTION OF SPEAKER AND DEPUTY SPEAKER AND PANEL OF CHAIRMEN**

**Substitution  
of Rules  
6 to 10**

3. The Rules 6,7,8,9&10 shall be substituted by the following:-

**Election of  
speaker**

6. (1) The Election of Speaker shall be held on such date as the Governor may fix and the Secretary shall thereupon send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing address to the Secretary of a motion that another member be chosen as the Speaker and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker if elected;

Provided that a member shall not propose his own name or second a motion proposing his own name, or propose or second more than one motion.

(3) Such notice shall be delivered to the Secretary in person by the candidate, proposer or seconder and a notice not so delivered in person shall not be valid.

(4) A member in whose name a motion stands in the list of business may when called, move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(5) The motion which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division. If any motion is carried the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried has been chosen as the Speaker of the House.

(6) The date so fixed should be not later than immediate next session for the appointment of Speaker when the post is vacant.

**Election of Deputy Speaker**

7. (1) The election of Deputy Speaker shall be held as early as possible and on such date as the Speaker may fix and the Secretary shall thereupon send to every member notice of the date so fixed.

(2) The provisions of sub-rules (2) to (5) (both inclusive) of rule 6 shall apply mutatis mutandis to such election.

(3) If a vacancy in the office of the Deputy Speaker occurs during the life of the House, a fresh election shall be held in accordance with the procedure herein before mentioned.

(4) And the dates so fixed shall not be later than the immediate next session.

**Panel of Chairmen**

8. (1) At the commencement of every session or from time to time as the case may be, the Speaker shall nominate from amongst the members of the House a panel of not more than seven chairmen, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker, when so requested by the Speaker, or in his absence, by the Deputy Speaker, or in his absence, also by the Chairman presiding.

Provided that when both the Speaker and the Deputy Speaker are absent, and no request as above has been made any member in the panel as shown in the list in the order in which they have been nominated by the Speaker shall preside over the House.

(2) The members of panel of Chairmen nominated under sub-rule (1) shall hold office until new panel of Chairmen have been nominated.

**Delegation of powers to Deputy Speaker**

9. When by reason of illness or of absence from India or for any other sufficient cause, the Speaker is unable to exercise any of his powers or discharge any of his functions, he may by order in writing delegate to the Deputy Speaker such of his powers and functions as he may deem fit. He may likewise revoke any such delegation.”.

## **CHAPTER IV**

### **SITTING OF THE ASSEMBLY**

**Substitution of Rules 1 to 15**

4. The rules 11 to 15 shall be substituted by the following:-

**Session of the Assembly**

11. Subject to Article 174 of the Constitution of India in every calendar year the Assembly shall have not less than three sessions with minimum 60 sitting days.

**When sitting of the Assembly duly**

12. A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or these rules.

**Commencement of Sitting**

13. The sitting of the House on any day shall commence at 10.30 hours and conclude at 19 hours with a lunch break for two hours, which shall be from 13 hours to 15 hours. The Speaker however, under any special circumstances allow the House to continue till 21 hours.

**Sitting of the  
Assembly**

14. Subject to provisions contained in rule 12 the House shall sit on such days as the Speaker having regard to the state of business of the House, may from time to time direct.

**Adjournment  
of the  
Assembly**

15. The Speaker shall determine the time when the sitting of the House shall adjourn sine die or to a particular day or to a hour or part of the same day subject to the provision of the rule 14.

Provided that the Speaker may, if he thinks fit, call a sitting of the Assembly before the date or time to which it has been adjourned or at any time after the Assembly has been adjourned sine die.

**Secretary's  
Report**

15-A. The Secretary shall at the commencement of every session and after the new Members, if any, have taken their seats lay on the table of the House a list of Bills which have received the assent of the Governor or the President.”.

## **CHAPTER – VI**

### **ARRANGEMENT OF BUSINESS AND BUSINESS ADVISORY COMMITTEE**

**Deletion of  
Rule 32 (2)**

5. The rule 32 (2) shall be deleted.

**Substitution  
of Rule 33**

6. The Rule 33 shall be substituted as follows:-

**Report  
of the  
Committee &  
Motion  
thereon**

33. (1) The recommendations of the Committee shall be presented to the House in the form of a report.

(2) At any time after the report has been presented to the House, a motion may be moved that the House agrees, or agrees with the amendments or disagrees with the report.

(3) Not more than half an hour shall be allotted for the discussion on a motion under sub-rule (2); and

(4) No member shall speak for more than five minutes on such a motion or on any amendment moved.”.

## **CHAPTER VII**

### **QUESTIONS AND SHORT NOTICE QUESTIONS**

**Amendments to  
Rule 44**

7. (i) The existing Sub-rule (2) (vii) of Rule 44 shall be substituted as follows:

“ 44.(2) (vii). It shall not exceed more than 100 words.” and

(ii) The new sub-rule (2) (xix) shall be added to Rule 44 as follows:-

“44.(2) (xix). It shall not ask any information on the matter published in a news paper.”

## CHAPTER XII – B

### DISCUSSION ON MATTERS OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION.

**Insertion of new Rule 116-D**

8. The new Rule 116-D shall be inserted after Rule 116-C as follows:-

**“Special Mention**

116.D (1) A member who wishes to bring to the notice of the House a matter which is not a point of order, shall give notice in writing to the Secretary specifying clearly & precisely the text of the matter to be raised. The member shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix, preferably immediately after the question hour.

(2) The concerned Department shall report to the House action taken on the matter raised, within fortyeight hours unless the Speaker otherwise directs.”.

## CHAPTER XXII

### SUBJECT COMMITTEE

**substitution of Rules 174-I to 174-L**

9. (i) The heading "Subject Committee" under the chapter XXII shall be substituted by the words "Departmentally related Standing Committees"; and

(ii) The Rules 174-H to 174-L shall be substituted as follows:-

**Departmentally related standing committees**

174-H. (1) There shall be Departmentally related Standing Committees of the House (to be called the Standing Committees.)

(2) The Departments covered under the jurisdiction of each of the Standing Committee shall be as specified in the Schedule-V.

Provided that the Speaker may in consultation with the Leader of the House and the Leader of the Opposition, if any, modify or vary the allocation of the subjects to the standing committees from time to time.

**Constitution**

174-I. (1) Each of the Standing Committee shall consist of not more than 12 Members who shall be elected by the House every year from amongst its Members according to the principle of proportional representation by means of single transferable votes.

Provided that a Minister shall not be elected as a Member of the Committee and that if a Member after election to the Committee is appointed as Minister, he shall cease to be a Member of the Committee from the date of such appointment.

Provided further that the Chairman of the Committee shall be nominated by the Speaker.

(2) The term of the office of the Members of the Committee shall not exceed one year.

**Functions of the Committees**

174-J. Functions of each of the Standing Committees shall be:

(i) to scrutinise the demands for grants relating to the concerned Department/Departments and to advise the Government in the matter of formulating policies underlying the Budget Estimates;

- (ii) to suggest any change in the allotments of the Sub-Heads/ Minor Heads keeping the total allotments under the Demands unchanged;
- (iii) to present a report to the House on the results of such scrutiny within a specified period from the date of conclusion of general discussion on the Budget in the House as may be directed by the Speaker;
- (iv) to examine the working of the Department in its entirety;
- (v) to review the implementation of the plans and programmes (both Central and State) relating to the concerned Department/ Departments;
- (vi) to examine the progress of work of the concerned Department/ Departments and to suggest measures for improvement in administration and different programmes for maintenance and extension of facilities in the State;
- (vii) to study and report on a specified area of Governmental activities in the wider public interest or on a project/ scheme/ undertaking intended for general welfare;
- (viii) to consider the Action Taken Notes/ Replies of the Departments and make report thereon;
- (ix) to examine such matter or matters as may be referred to it by the House or by the Speaker ; and
- (x) to examine such bills pertaining to the concerned Departments as are referred to the Committee by the Speaker and make report thereon;

Provided however that the standing Committees shall not examine or investigate matters of day to day administration.

**Procedure relating to Demands for Grants**

- 174-K. The following procedure shall be followed by each of the Standing Committees in their considerations of the Demands for Grants and making a report thereon to the House: -
- (a) After the general discussion on the Budget in the House is over, the House shall be adjourned for a fixed period;
  - (b) the Committees shall consider the Demands for Grants of the concerned Department during the aforesaid period;
  - (c) the Committees shall make their report within the period and shall not ask for more time;
  - (d) the Demands for Grants shall be considered by the House in the light of the reports of the Committees; and
  - (e) there shall be a separate report on the Demands for Grants of each Department.

**Procedure relating to Bills**

- 174-L. The standing Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon in the given time.

**Reports of the Committees**

- 174-M. (1) The Reports of the Committees shall be based on broad consensus.

(2) A Member of a Standing Committee may give note of dissent on the report of the Committee.

(3) The note of dissent shall be presented to the House along with the report.

**venue of  
meetings**

174-N. The Standing Committees shall not work in any other place except the precincts of the Assembly, unless otherwise specifically permitted by the Speaker.

**power to  
have expert  
opinion.**

174-O. The Committee may avail of the expert opinion or the public opinion to make the report.

**matters not  
to be  
considered**

174-P. The Standing Committees shall not generally consider the matters which are considered by the other Assembly Committees.

**report to have  
recommending  
value**

174-Q. The report of the Standing Committees shall have recommending value and shall be treated as considered advice given by the Committees.

**provision  
applicable on  
other respect**

174-R. In other respect the Rules applicable to the Committees in general provided in chapter-XXV of these Rules shall *mutatis mutandis* apply.”.

## **CHAPTER XXV**

### **GENERAL RULES OF PROCEDURE**

**amendment  
Rule 207**

10. (i) The sub-rule (3) of Rule 207 shall be substituted as follows:-

“(3) the evidence given before the Assembly committees shall not be published by any member of the committee or by any other person unless directed by the Chairman of the concerned Committee.”, and

(ii) Existing proviso to Sub–Rule (3) of Rule 207 may be deleted.

11. (i) The words ‘six months’ appearing in sub-rule (1) of Rule 213-B shall be substituted by the words ‘four months.’;

(ii) The words ‘six months’ appearing in sub-rule(2) of Rule 213-B shall be substituted by the words ‘four months.’ and

(iii) The following new sub-rule (3) shall be inserted after existing sub-rule (2) of Rule 213 -B:-

“(3) In case sub-rules (1) or (2) is not complied with, the concerned Minister shall make a statement in the House explaining the circumstances under which it was not complied.”.

**SCHEDULE V**  
**(See Rule - 174 - H)**

**Departments under Jurisdiction of the Standing Committees.**

<b>SL. NO.</b>	<b>DEPARTMENTS</b>
<b>1</b>	<b>2</b>
<b>COMMITTEE - I</b>	<b>Home, General Administration, Law and Public Grievances &amp; Pension Administration.</b>
<b>COMMITTEE - II</b>	<b>Water Resources, Agriculture and Fisheries &amp; Animal Resources Development.</b>
<b>COMMITTEE - III</b>	<b>Works, Tourism &amp; Culture, Housing &amp; Urban Development and Information &amp; Public Relation.</b>
<b>COMMITTEE - IV</b>	<b>School &amp; Mass Education, Higher Education, Sports &amp; Youth Services, Science &amp; Technology and Information &amp; Technology.</b>
<b>COMMITTEE - V</b>	<b>Health &amp; Family Welfare and Women &amp; Child Development.</b>
<b>COMMITTEE - VI</b>	<b>Co-operation, Textile &amp; Handloom and Food Supplies &amp; Consumer Welfare.</b>
<b>COMMITTEE - VII</b>	<b>Industries, Steel &amp; Mines, Commerce, Transport, Forest &amp; Environment and Planning &amp; Co-ordination.</b>
<b>COMMITTEE - VIII</b>	<b>Schedule Tribes &amp; Schedule Caste Development, Minorities &amp; Other Backward Classes Development, Labour &amp; Employment and Public Enterprises.</b>
<b>COMMITTEE - IX</b>	<b>Panchayati Raj and Rural Development .</b>
<b>COMMITTEE - X</b>	<b>Energy, Revenue and Excise.</b>

**MAHESWAR MOHANTY**  
*SPEAKER*  
*ORISSA LEGISLATIVE ASSEMBLY"*

**B. SAHOO**  
*SECRETARY*  
*ORISSA LEGISLATIVE ASSEMBLY.*